

REMARKS

The present amendment is responsive to the Office Action of August 19, 2004, and is filed with a Request For Continued Examination.

The claims have been further amended in an earnest effort to place the application in condition for allowance.

In the Action, Claims 1-25 were rejected under Sec. 112, with comment that in Claims 1 and 20 it is not clear what constitutes the predetermined volume, with further comments regarding it is not clear how the air pocket defines the volume of specimen, and that there is no positively recited structure which would prevent fluid or material above the separator from being expressed.

It is urged that the present claims define structural limitations and combinations which eliminate or overcome these Sec. 112 rejections.

Claims 1-3 and 5-7 were rejected under Sec. 102 on Swank; Claims 1-19 and 24-25 were rejected under Sec. 103 on Ballies in view of Darling and Alspector or VanVlasselaer, with comments regarding features of the respective references and relative to obvious to combine the cited references to meet Applicant's claims.

These claims, particularly as now amended, clearly define over the prior art, and are not met or obvious from the cited references, singly or combined. The respective claims define the combination of components and features which define a predetermined volume to be dispensed, and the structural combination provides an air pocket which prevents the specimen from entering the space below the lower end of the separator.

It is respectfully urged that these claims, Claims 1-19 and 24-25 clearly distinguish over the cited references, singly or combined, and that the claims are allowable. Allowance thereof is respectfully solicited.

Claims 20-23 were earlier allowed with Section 112 corrections. Claim 20 is now amended to specify the provision of a predetermined volume of specimen defined below a separator end edge and above a tube pipette portion.

It is respectfully urged that the claims as now presented are allowable, and allowance thereof is respectfully solicited.

It is believed the application is in condition for allowance, and allowance is respectfully solicited.

Respectfully submitted,



BONIARD I. BROWN
Attorney for Applicant